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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,475	07/24/2001	Sarah Calvert	AA-07	5128
25917	7590	08/11/2005	EXAMINER	
LANGLOTZ PATENT WORKS, INC. PO BOX 759 GENOA, NV 89411			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,475

Applicant(s)

CALVERT ET AL.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

Claim Status

Claims 1-15 are currently pending in the Instant Application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Merriman, (USP 5, 948, 061).

As per claims 1-15, Merriman teaches a method of and a system for targeting the delivery of advertisements over a network such as the Internet. . Statistics are compiled on individual users and networks and the use of the advertisements is tracked to permit targeting of the advertisements of individual users. In response to requests from affiliated sites, an advertising server transmits to people accessing the page of a site an appropriate one of the advertisement based upon profiling of users and networks.

In general, a database is being created or generated containing information collected about networks and subnetworks, information about individual users selecting (clicking on) different advertisements, tracking data on how often a given advertisement has been displayed, how often a given user has seen a given advertisement and other information regarding the user and the frequency of the display of the advertisement. To effect such a capability, an advertising server process is provided as a node on the network. The various advertisements are stored on the network of the server and preferably on the server. When, for example, a user using a web browser accesses a web page that is affiliated with the advertising server process, the affiliated page's encoding includes an embedded reference to an object provided by the advertising server process. That causes the user's browser to contact the advertising server process to provide the advertising image or information that will appear on the accessed web page as displayed by the user's browser. Using the address information and/or other information passed by the browser (cookie file) for the user, including the page being accessed by the user, the advertising server process determines an appropriate advertisement to select for the particular user. In addition, the advertising server process will use information such as the number of times the user has seen various advertisements, how often the advertisement has been seen by any user and the start and stop date for the various advertisements to select which advertisement to transmit to the user's web page for display. **If the user decides to respond to the advertisement selected by the web server by clicking on the advertisement, the advertising server process logs that fact and to have more information about the given user (recording the user's interaction with a displayed advertisement)).** A derive profile process is used for compiling information on TCP/IP networks for use by the advertising server process (using the user's past web activity or

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interaction with a previously displayed advertisement from a specific advertiser to compose a profile useful in generating more targeted ads, presented during future browsing sessions, from the same advertiser for the identified user). By compiling the information on networks **and user selections**, the advertising server process is able to compile information that can be used for targeting advertising accordingly.

(See abstract; col. 1: 54 to col. 2: 45).

In FIG. 1, a user operates a web browser, such as Netscape or Microsoft Internet Explorer, on a computer or PDA or other Internet capable device 16 to generate through the hypertext transfer protocol (HTTP) 14 a request 20 to any one of preferably a plurality of affiliate web sites 12. The targeted affiliate web site sends one or more messages 22 back using the same protocol. Those messages 22 preferably contain all of the information available at the particular targeted web site 12 for the requested page to be displayed by the user's browser 16 except for one or more advertising objects such as banner advertisements. These objects preferably do not reside on the affiliate's web server. Instead, the affiliate's web server sends back a link including an IP address for a node running an advertiser server process 19 as well as information about the page on which the advertisement will be displayed. The link by way of example may be a hypertext markup language (HTML) tag, referring to, for example, an inline image such as a banner. The user's browser 16 then transmits a message 23 using the received IP address to access such an object indicated by the HTML tag from the advertisement server 19. **Included in each message 23** typically to the advertising server 19 are: (i) the user's IP address, (ii) **a cookie if the browser 16 is cookie enabled and stores cookie information**, (iii) a substring key indicating the page in which the advertisement to be provided from the

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server is to be embedded, and (iv) MIME header information indicating the browser type and version, the operating system of the computer on which the browser is operating and the proxy server type. **Upon receiving the request in the message 23, the advertising server process 19 determines which advertisement or other object from a particular advertiser to provide to the user's browser and transmits the messages 24 containing the object such as a targeted banner advertisement to the user's browser 16 using the HTTP protocol.** Preferably contained within the HTTP message is a unique identifier for the advertiser's web page appropriate for the advertisement. That advertisement object is then displayed on the image created by the web user's browser as a composite of the received affiliate's web page plus the object transmitted back by the advertising web server (col. 3: 24-63).

Further, the user's interaction with the displayed advertisement is logged to determine how many times the same ad has been displayed and the user is being identified via his IP address or browser cookie file (col. 3: 64 to col. 4: 19).

A management process 58 (fig. 2) is used for updating the various advertisements and overall control of the advertising server process 19 and also permits **the advertisers to interface with the database to obtain up to the date reports on the placement of the advertisements.**

The report process 59 is used for generating online reports about the success rate of the advertisement and statistics on the users, identified via cookie files, that are viewing and clicking through on various advertisements from a plurality of advertisers and also updating the counters, regarding the number of times these ads have been displayed and whether or not this number is less than or equal to a preset threshold, in the database that store how often an advertisement has been displayed **(measuring success rate or determining a score value or determining how**

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many times an ad from a particular advertiser has been displayed to a user associated or identified via the browser cookie file-col. 4: 33 to col. 5 : 7).

In response to an incoming message to the advertising server process 19, to retrieve an advertising object or image, the advertising server processes 19 first attempts to identify the user, as described above in FIG. 2, to thereby determine which ad to display to the user. This can be accomplished by at least one of two means. First, any incoming request for an image or a multimedia object is examined to determine the IP address of the requesting browser. **The advertising server then notes whether a cookie was received in the MIME heading of the request.** From these two pieces of information, user identification is determined. **If a cookie was detected, then the cookie contains the user's identification number that can be accessed in the database to retrieve the user's records (including whether or not the user has previously been exposed to an ad that is about to be displayed. Col. 5: 10-33).**

If the user is an existing user, the ad server 19 obtains from a database all of the information or record known about the user, or associated with the user's cookie, including the user's geographic location, the domain type (commercial or educational, governmental, the Internet service provided), the organization type where the user works (for example a SIC code), the company size, the number of employees in that company, the particular types of advertisements that the user has clicked on by SIC or other appropriate coding and the number of times that the user has been exposed to each advertisement currently in the system as described in FIG. 3A. Also, the relative time of day for the user is calculated based upon either the user's country code or the user's IP access provider or the location of their domain (col. 5: 50-63).

Each advertisement along with a table of the targeting profile criteria for the

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advertisement and other data regarding the advertisement currently available is stored in a database such as shown in FIG. 3B. The actual advertising object, which may be a banner image in a GIF or JPEG file format, an icon for an audio or video clip or some other object is kept as part of the advertising server process. This information may include targeted consumers by SIC, country, organization type and type of advertisements previously selected by the user. For any of the advertisements, from one or more advertisers, currently provided for which there is a match (for example there may be several advertisements targeted at people interested in computers), the next step is to determine which of the advertisements, from a plurality of advertisers, for which there is a match should be selected (col. 5: 64 to col. 6: 11).

The preferred embodiment also includes determining which advertising object should be selected if two or more advertising object have criteria matching the user's profile. Selecting from the matched advertisements by determining how often the particular user has been exposed to the given advertisement (past activity). For each user, data are kept about the number of times that a user has seen a given advertisement based upon the user ID extracted from the browser cookie file. For each advertisement where the user matches the criteria, if the number of times that the user has seen the advertisement is less than a predetermined threshold, then the advertisement is retained as one of the possible matches. If the number of times that the user has seen a given advertisement exceeds the threshold, the advertisement is discarded as a possible candidate for transmitting back to the user (determining a score value for the user and for the advertiser based on the number of times an advertisement has been previously displayed to the user; it can also be determined therein the advertiser receiving the highest score, i.e. the advertiser related to the advertisement that receives the highest number of hits from the given

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user identified via the browser cookie- col. 6: 12 to col. 9: 16 and at least claim 26 of the reference).

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

08/06/05

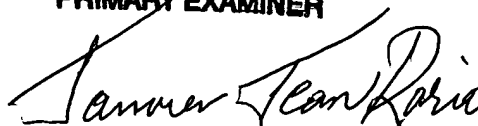
JDJ

Jean D. Janvier

Patent Examiner

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JEAN D. JANVIER
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Jean D. Janvier", written over the printed name and title.